

06/29/01
JC860 U.S. PTO

PATENT
Customer Number 22,852
Attorney Docket No. 7787.0041-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Prior Application Art Unit: 09/097,055 Prior Application Examiner: M. Allen

SIR: This is a request for filing a

11017 U.S. PTO
09/893615
06/29/01

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/097,055 filed June 15, 1998 of Gerald W. FISCHER; Richard F. SCHUMAN; Hing WONG and Jeffrey R. STINSON for OPSONIC AND PROTECTIVE MONOCLONAL AND CHIMERIC ANTIBODIES SPECIFIC FOR LIPOTEICHOIC ACID OF GRAM POSITIVE BACTERIA.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/097,055 as originally filed on June 15, 1998, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. ☒ Cancel Claims 2-31.
5. ☒ A Preliminary Amendment is enclosed.
6. ☐ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	13	-	20	0	x \$18	0
Independent Claims	5	-	3	2	x \$80	\$160.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$270	0
Subtotal						\$ 870.00
Reduction by 1/2 if small entity						- \$435.00

LAW OFFICES
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1300 I STREET, N.W.
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202-406-4000

09893615-062901

TOTAL APPLICATION FILING FEE	\$ 435.00
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7. ☒ A check in the amount of \$435.00 to cover the filing fee is enclosed.
8. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☒ Amend the specification by inserting before the first line, the following new paragraph:
- This is a division of application Serial No. 09/097,055, filed June 15, 1998 and claims the benefit of U.S. provisional application no. 60/049,871, filed June 16, 1997, all of which are incorporated herein by reference.
10. ☐ New formal drawings are enclosed.
11. ☒ The prior application is assigned of record to: Sunol Molecular Corporation at Reel 011412, Frame 0597 on January 8, 2001 and to The Henry M. Jackson Foundation for the Advancement of Military Medicine at Reel 011412, Frame 0614 on January 8, 2001.
12. ☐ Priority of application Serial No. [Text], filed on [Text] in [Country] is claimed under 35 U.S.C. § 119. A certified copy
- ☐ is enclosed or ☐ is on file in the prior application.
13. ☒ A verified statement claiming small entity status is on file in the prior application.
14. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E.

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15. ☐ The power appears in the original declaration of the prior application.
16. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
18. ☐ Recognize as associate attorney _____.
19. ☒ Also enclosed is an Information Disclosure Statement, PTO 1449, Copy of Statement in Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825, Copy of Sequence Listing and Computer Readable disk.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/097,055, filed June 15, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to

our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 29, 2001

By: Jean B. Fordis

Jean B. Fordis

Reg. No. 32,984

009911-0000
T060901-0000

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 04995.0041-00000

In re patent application of

Fischer, Gerald W. et al.

Serial No. 09/097,055

Filed: June 15, 1998

For: OPSONIC AND PROTECTIVE MONOCLONAL AND CHIMERIC ANTIBODIES SPECIFIC
FOR LIPOTEICHOIC ACID OF GRAM POSITIVE BACTERIA

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently
herewith, the undersigned hereby states that:


1. the submission, filed herewith in accordance with 37
C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the
attached computer readable copy of the Sequence Listing, submitted in
accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same;
and

3. all statements made herein of their own knowledge are
true and that all statements made on information and belief are believed to
be true; and further, that these statements were made with the knowledge
that willful false statements and the like so made are punishable by fine
or imprisonment, or both, under Section 1001 of Title 18 of the United

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Nov. 22, 2000
Date


James A. Coburn

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